

Messrs. Wallace and Grimes were excused from voting.

Mr. Gage withdrew the nomination of Rev. John Haynie.

On counting the ballot, it appeared that the Rev. J. O. Hawley received 13 votes, and the Rev. Wm. Smith received four votes.

The President declared the Rev. J. O. Hawley elected Chaplain of the Senate during the present session.

Mr. Van Derlip offered the following resolution:

*Resolved*, That the committee on Contingent Expenses be authorized and instructed to purchase two copies of De Cordova's map of Texas for the use of the Senate; adopted.

On motion of Mr. Truit, the Senate adjourned.

TUESDAY, 9 O'CLOCK A. M., November 20, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Davis, Gage, Grimes, Latimer, McKee, Moffett, Pease, Phillips, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace. The journal of yesterday was read and adopted.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill to repeal a portion of an act to give to each corporate county in this State, its own county surveyor, map and records, approved March 20th, 1848, reported the same back to the Senate, without amendment and recommended its passage.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to be entitled an act to provide for ceding to the United States jurisdiction of certain lands in this State for public purposes, reported the same back to the Senate, without amendment, and recommended its passage.

Mr. Phillips, from the same committee, to whom was referred a bill to be entitled an act for the relief of Frederick Scranton, reported that, in the opinion of the committee, the constitution of the State interposes a bar to the relief sought.

Mr. Phillips, from the same committee to whom was referred a bill to be entitled an act to establish the per diem pay of the electors of President and Vice President of the United States, recommended that the second section of the bill be stricken out, and the bill, as proposed to be amended, passed.

Mr. Phillips, from the same committee, reported a substitute for



a bill to be entitled an act to define the time at which the acts passed by the Legislature shall take effect, and recommended its adoption.

Mr. Grimes, chairman of the committee on Finance to whom was referred a bill to be entitled an act to fix the salaries and per diem pay of officers not otherwise provided for by law, reported the same back for the consideration of the Senate.

Mr. Grimes, from the committee, to whom was referred a bill appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature, reported the same back to the Senate and recommended its passage.

Mr. Grimes, also, made the following report :

The committee on Finance, to whom was referred a resolution instructing them to inquire into the propriety of passing a law exempting from a license tax for peddling, articles manufactured within this State, &c., have had the subject under their consideration, and have instructed me to report that, in the opinion of the committee, no legislation, on that subject, is necessary ; that the proviso contained in the 27th section of the 7th article of the constitution exempts from taxation the articles of domestic manufacture contemplated by the resolution, and that the said section is sufficiently plain and explicit on that subject.

Mr. Taylor, chairman of the committee on Roads, Ferries and Bridges, made the following report :

The committee on Roads, Ferries and Bridges, to whom was referred a bill to amend an act authorizing and requiring the county courts to regulate roads and appoint overseers, &c., have had the same under consideration, and have directed me to report the bill back to the Senate and recommend that it be laid upon the table. The committee can see no good reason for the contemplated change in the 2d section of the above entitled act, and are satisfied that the section, as it now stands, answers every purpose requisite for laying out and establishing new roads.

Mr. Taylor, from the same committee, made the following report :

The committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled an act to regulate ferries, have had the same under consideration, and a majority of the committee have instructed me to report the bill to the Senate, with amendments, and recommend its passage as amended.

Amendment 1st after the 17th section, add 18th and 19th sections.

SEC. 18. That the county courts of the several counties of this State shall have power to assess and collect an annual tax



for the privilege of each and every ferry in their counties, which tax shall not exceed one hundred dollars per annum.

SEC. 19. That if any water course, navigable stream, lake or bay shall form a portion of the boundary of any county, so one bank shall be in one county, and the other in a different county at the place where it is proposed to establish a ferry, then application for a ferry shall be made to the county court of each of said counties, but if only one of said courts will grant a license to the applicant, then he shall have the right to ferry under such license alone, and in such cases neither county court shall assess and collect a tax on such ferry exceeding fifty dollars per annum.

J. F. TAYLOR, Chairman.

Mr. Burleson presented the petition of Daniel Fuller; which was, on motion of Mr. Burleson, referred to the committee on Public Lands, without reading.

Mr. Taylor, from the committee on Engrossed Bills, reported as correctly engrossed a joint resolution granting further time for the payment of government dues and the return of field notes.

#### ORDERS OF THE DAY.

A bill to be entitled an act to provide for the payment of jurors; read, and,

On motion of Mr. Robertson, laid on the table.

A bill to extend the Eastern boundary of the State of Texas so as to include within its limits the Western half of Sabine Lake, Sabine Pass and Sabine River up to the 32° degree of North latitude; read third time and passed.

A joint resolution for the relief of Albert Von Germar; read second time, and ordered to be engrossed.

A bill to be entitled an act to authorize the Commissioner of the General Land Office to receive from the Secretary of State the archives of Martin De Leon's colony and deposit the same in the General Land Office; read second time, and,

On motion of Mr. Phillips, referred to the committee on Public Lands.

Mr. Phillips offered the following resolution:

*Resolved*, That a committee of two be appointed, on the part of the Senate, to act with a like committee, on the part of the House, to examine the archives of Martin De Leon's colony now in the office of the Secretary of State and report the propriety of their removal to the General Land Office; adopted.

Messrs. Phillips and Pease were appointed said committee.

A bill to be entitled an act authorizing and requiring the Com-

missioner of the General Land Office to issue a head-right certificate to A. S. Cunningham; read second time, and,

On motion of Mr. Phillips, referred to the committee on Private Land Claims.

Mr. Ward introduced a joint resolution, instructing our Senators and requesting our Representatives in the Congress of the United States to procure the establishment of certain mail routes upon which the mail shall be transported in coaches and hacks; read first time.

A bill to be entitled an act authorizing the Commissioner of the General Land Office to issue a head-right certificate to Jas. Taylor; read second time.

Mr. Wallace moved to recommit the bill to the committee on the Judiciary; lost.

On motion of Mr. Van Derlip the bill was referred to the committee on Public Lands.

Joint resolution for the relief of Thomas Ward; read second time and ordered to be engrossed.

A bill to be entitled an act to repeal a portion of an act to give to each corporate county in this State, its own county surveyor, map and records, approved March 20, 1848; read second time and passed to third reading.

Mr. Wallace introduced a bill to empower and require county courts, in cases of emergencies, to fill by temporary nomination, the offices of Sheriff and Coroner, or either of them; read first time.

On motion of Mr. Grimes, the bill to provide for the payment of jurors, was taken up; read, and on motion of Mr. Gage, referred to a special committee of five.

Messrs. Gage, Pease, Robertson, Grimes and Brashear were appointed said committee.

A bill to be entitled an act, to provide for ceding to the United States jurisdiction of certain lands in this State for public purposes; read second time, and, on motion of Mr. Gage, laid on the table for one day.

A bill to be entitled an act for the relief of Frederic Scranton; read, and, on motion of Mr. Brashear, laid on the table.

A bill to be entitled an act to establish the mileage and per diem pay of Electors of President and Vice President of the United States, together with the report of the committee on the Judiciary, recommending that the 2nd section of the bill be stricken out, was read, report adopted, and bill ordered to be engrossed.

A bill to be entitled an act to define the time at which the acts of the Legislature shall take effect; together with the report of



the committee on the Judiciary, offering a substitute therefor, was read, report adopted and bill ordered to be engrossed.

A bill to be entitled an act to fix the salaries and per diem pay of officers not otherwise provided for by law; read second time and on motion of Mr. Phillips, made the special order of the day for the 22d inst.

A bill appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature; read second time and passed to a third reading.

The report of the Finance committee on the resolution requiring said committee to take into consideration the propriety of passing a law exempting from a license tax for peddling articles manufactured within this State; read, and on motion of Mr. Grimes, the report and resolution were referred to the committee on the Judiciary.

A bill to be entitled an act to amend an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c. together with the report of the committee on Roads, Bridges and Ferries, recommending that the bill be laid upon the table; read, and report adopted.

A bill to be entitled an act to regulate ferries, together with the report of the committee on Roads, Bridges and Ferries, offering amendments; read and report adopted.

Mr. Ward moved to amend by inserting after the word "bank" in the 7th section, the following, "and shall be required to keep a ferry boat likewise on all sloughs that may cross the leading roads through the bottom of said stream, or securely bridge the same so that the traveling community can pass without detention or risk at any time when they can be ferried across the main stream, and any person failing to comply with this provision, shall forfeit and pay \_\_\_\_\_ dollars for every such failure."

Mr. Ward withdrew his amendment.

On motion of Mr. Gage, the bill was referred to the committee on the Judiciary.

A joint resolution granting further time for the payment of government dues, and the return of field notes; being on its 3d reading.

Mr. Robertson offered a bill to prolong the time for the return of field notes, and the payment of Government dues on land as a substitute for the joint resolution.

Mr. Wallace moved that the amendment proposed by Mr. Robertson be received; lost, two-thirds not voting for it.

On motion of Mr. Phillips, the joint resolution was referred to the committee on Public Lands.

On motion of Mr. Hart, the Senate adjourned.



WEDNESDAY, November 21, 1849.

The Senate was called to order by the President.

Senators present, Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace. The journal of yesterday was read and adopted.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred the petition of Milton Irish, adm'r of the estate of John Dentworth, reported a bill for the relief of the heirs at law of John Dentworth ; read first time.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported as correctly engrossed, the following bills and joint resolutions, viz :

A bill to be entitled an act to amend the first section of an act fixing the time at which laws passed shall go into effect, &c., approved 16th January, 1840.

A bill to be entitled an act to repeal the third section of an act to regulate the license and practice of attorneys and counsellors at law, approved 12th May, 1846.

A bill to be entitled an act to establish the per diem and mileage pay of the Electors of President and Vice-President of the United States.

A bill to be entitled an act to amend the first section of an act concerning proceedings in the District Court, approved March 16th, 1848.

Joint resolution for the relief of Albert von G rmar.

Joint resolution for the relief of Thomas Ward.

Mr. Robertson introduced a bill to be entitled an act to require the Commissioner of the General Landoffice to issue a patent to James Hall, adm'r of the estate of Richard Hall, deceased ; read first time.

#### ORDERS OF THE DAY.

A bill to be entitled an act to repeal a portion of an act to give to each corporate county in this State its own county surveyor, map and records, approved March 20, 1848 ; read, and,

On motion of Mr. Van Derlip, laid on the table.

A bill to be entitled an act appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature ; read third time and passed.

A message was received from the Governor presenting a communication in writing : also informing the Senate that the Governor had signed, and deposited in the office of the Secretary of



State, an act to amend the second section of the act to incorporate the Town of San Augustine, approved March 18, 1848, and an act to change permanently the name of Daniel Richardson Kaufman to Daniel Kaufman Richardson.

A bill to be entitled an act to amend an act to establish and incorporate Rutgersville College, approved February 5, 1840; read third time and passed by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Hart, Latimer, McRae, Pease, Phillips, Portis, Robertson, Taylor, Truitt, Ward and Wallace—16.

Nays: Messrs. Grimes, Moffett, Van Derlip and Walker—4.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had passed the following bills, viz:

A bill to be entitled an act to exempt buildings and grounds designed and used for purposes of education or public worship from taxation.

A bill to be entitled an act establishing more permanently the seat of justice of Collin County, approved January 12, 1848.

A bill to be entitled an act regulating the pay of Electors of President and Vice-President of the United States.

A bill to be entitled an act authorizing the Commissioner of the General Landoffice to run the dividing line between old Fannin and Nacogdoches counties.

A bill to be entitled an act creating the County of Tarrant; and

A bill to be entitled an act to change the name of Melissa J. James Alexander, and Parola Simonds. Which were severally read first time.

A bill to be entitled an act to amend the first section of an act concerning proceedings in the District Courts, approved March 16th, 1848; read, and, on motion of Mr. Pease, re-committed to the committee on the Judiciary.

A bill to be entitled an act to amend the first section of an act fixing the time at which laws passed shall go into effect, &c., approved 16th January, 1840; read third time and passed.

A bill to be entitled an act to repeal the third section of an act entitled an act to regulate the license and practice of attorneys and counsellors at law, approved 12th May, 1846; read third time and passed.

A joint resolution for the relief of Albert von Ger Mar; read third time, and, on motion of Mr. Portis, laid on the table.

A bill to be entitled an act to establish the per diem and mileage pay of Electors of President and Vice-President of the United States; read third time, and, on motion of Mr. Pease laid on table.

A joint resolution for the relief of Thos. Ward ; read third time and passed.

A joint resolution instructing our Senators and requesting our Representatives in the United States Congress to procure the establishment of certain mail routes upon which the mail shall be transported in coaches and hacks ; read second time, and, on motion of Mr. Ward, referred to a select committee of five.

Messrs. Ward, Taylor, Gage, Latimer and Hart were appointed said committee.

A bill to be entitled an act to empower and require the county courts in cases of emergency to fill, by temporary nomination, the offices of sheriff and coroner, or either of them ; read second time and, on motion of Mr. Wallace, referred to Judiciary Committee.

A bill to be entitled an act to provide for ceding to the United States jurisdiction of certain lands in this State for public purposes ; read second time and ordered to be engrossed.

Mr. Wallace introduced a bill to be entitled an act to amend the first, second and third sections of the act concerning divorce and alimony ; read first time.

On motion of Mr. Wallace, the Senate adjourned.

#### THURSDAY, 9 O'CLOCK, A. M., November 22, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Portis, Robertson, Taylor, Truit, Ward, Walker and Wallace. The journals of yesterday were read and adopted.

Mr. Taylor, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to amend the ninth section of an act authorizing and requiring county courts to regulate roads, appoint overseers, &c., reported a substitute for the same and recommended its adoption.

Mr. McRae, from the committee on Contingent Expenses, reported that he had purchased two copies of De Cordova's map of the State of Texas for the use of the Senate at five dollars per copy, in accordance with a resolution of the Senate.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported as correctly enrolled an act to incorporate the Austin College, and that the same was presented to the Governor for his signature, on the 21st inst.